

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8279 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO
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R A SHAH

Versus

NATIONAL TEXTILE CORPORATION (GUJARAT) LTD

Appearance:

1. Special Civil Application No. 8279 of 1995
MR DM THAKKAR for Petitioner No. 1
MR BR GUPTA for Respondent No. 1-2
-

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 24/04/2002

ORAL JUDGEMENT

Heard Mr.D.M.Thakkar, learned advocate appearing on behalf of the petitioner and Mr.B.R.Gupata, learned advocate for respondents.

In the present petition, RULE has been issued by

this Court on 24th November, 1995. Affidavit-in-reply has been filed by the other side and rejoinder has also been filed by the petitioner dated 24th November, 2002. Affidavit on behalf of the respondent No.1 is also on record.

The grievance of the present petitioner is that on 6th June, 1990 the petitioner has retired as Officer on Special Duty [General Manager, Technical] in the pay scale of Rs.5100-6700/- . That on 4th December, 1990 vide this order the General Manager [Personnel] i.e. respondent No.2 granted the revision of pay scale to the petitioner at Rs.5100-6700 with effect from 1-1-1986. Accordingly, the petitioner would be entitled for the basis pay of Rs.7300/-. It is case of the petitioner that various representations have been made by the petitioner for payment of difference of salary from 1-1-1986 to 6-6-90 and the interest thereon for the delayed payment of the gratuity amount but said representations remained as unattended and not decided by the respondent authority.

I have considered submissions of the learned advocates for the parties. Considering the averments made in the reply filed by the respondent which is at pg.23, which are incorporated as under :-

"It is further submitted that the petitioner had ceased to be in the employment of respondent No.1 Corporation on and from 6-6-1990 and that all the legitimate and legal retiral dues came to be paid to the petitioner way back on 28-12- 1992 after obtaining necessary clearance from the Central Bureau of Investigation [C.B.I.] in respect of it in view of ongoing CBI case against him.

xxxx With regard to the petitioner's representation dated 26-4-1993, it is submitted that the petitioner had been duly explained that the superannuation benefits paid to him on 28-12-1992 and were in full and final settlement of all his legal claims, and that apart from it no further amount is due or payable to him under any of the three heads mentioned in the said representation. Even the petitioner seem to be fully satisfied with the explanation offered to him in that regard; and as such the petitioner rightly did not make any further representation to the respondents in the matter at any time after 26-4-1994 till date. "

Mr.Gupta, learned advocate for respondents has also pointed out that in the order dated 4th December, 1990, where in the fixation in the pay scale of Rs.5100 6700/- stagnation increments were also given to the petitioner with effect from 1988 upto 1990 as the petitioner is entitled to stagnation increment after period of two years from the date of fixation. Accordingly, office order to that effect has been issued by the respondents as per the service rules and therefore also, correct fixation has been made in favour of the petitioner by the respondents and therefore also, no grievance survives.

In view of averments made in the reply filed by the respondent, according to my opinion, grievance voiced in the present petition does not survive and therefore, this petition is requires to be disposed of accordingly. Accordingly, present petition disposed of accordingly. Rule discharged. No order as to costs.

Date : 24-4-2002 [H.K.Rathod, J.]

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